

Meeting: Selby and Ainsty Area Constituency Planning Committee

Members: Councillors John Cattanach (Chair), Mark Crane, Mike Jordan, Cliff Lunn, Bob Packham (Vice-Chair), Steve Shaw-Wright and Arnold Warneken.

Date: Wednesday, 13th September, 2023

Time: 2.00 pm

Venue: Selby Civic Centre

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries. This meeting is being held as an in-person meeting that is being broadcasted and recorded and will be available to view via the following link [Agenda for Selby and Ainsty Area Constituency Planning Committee on Wednesday, 13th September, 2023, 2.00 pm | North Yorkshire Council](#)

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Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 12 July 2023** (Pages 3 - 6)
3. **Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **ZG2020/0536/FUL - Fields Garden Centre, Tadcaster Road, Sherburn** (Pages 7 - 30)
Report of the Assistant Director - Planning – Community Development Services
5. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
6. **Date of Next Meeting**

Wednesday, 11 October 2023 at 2.00pm.

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Gina Mulderrig, Democratic Services Officer
Tel: 01757 292116
Email: gina.mulderrig@northyorks.gov.uk

Tuesday, 5 September 2023

North Yorkshire Council

Selby and Ainsty Area Constituency Planning Committee

Minutes of the meeting held on Wednesday, 12th July, 2023 commencing at 2.00 pm.

Councillor John Cattanach in the Chair, plus Councillors Bob Packham, Mark Crane, Cliff Lunn, Stephanie Duckett (substitute for Councillor Shaw-Wright) and Andy Paraskos (substitute for Councillor Warneken).

Officers present: Kate Lavelle, Solicitor, Hannah Blackburn, Planning Development Manager, Gareth Stent, Principal Planning Officer and Gina Mulderrig, Democratic Services Officer

Apologies: Mike Jordan, Steve Shaw-Wright and Arnold Warneken. .

Copies of all documents considered are in the Minute Book

20 Apologies for Absence

Apologies noted (see above).

21 Minutes for the Meeting held on 14 June 2023

The minutes of the meeting held on Wednesday 14 June 2023 were confirmed and signed as an accurate record.

22 Declarations of Interests

Councillor Mark Crane declared a non-pecuniary in item 5 as he had visited the site to discuss the project in his previous role as Leader of Selby District Council.

23 Public Questions and Statements

The representative of the Corporate Director – Community Development Services stated that, other than those that had indicated that they wished to speak in relation to the applications below, there were no questions or statements from members of the public.

Planning Applications

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment

made by the Committee, the conditions as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report(s) of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

24 2020/1191/FULM - Womersley Village Hall

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the erection of a new village hall and car parking for the Parish of Womersley on a parcel of recreational open space off Cow Lane, Womersley.

Jennifer Teal of Womersley Parish Council spoke in support of the application.

Councillor John McCartney, Division Member for Osgoldcross, spoke in favour of the application.

A representative of the applicant, the Womersley Village Hall Committee, Gina Milne spoke in favour of the application.

During consideration of the above application, the Committee discussed the following issues :-

- The role of Sport England as a Statutory Consultee, how their past objections had been overcome, their recent objection submitted after publication of the report regarding the proposed footpath and the possibility and cost of alternatives.
- Condition 21 in the report and the need for agreed opening times for the venue and how this would be decided and controlled.
- Whether the proposed parking allocation was sufficient for the facility and alternative options.

- Whether the need for a village hall in Womersley and the resultant local amenity and promotion of social cohesion and other considerations constitute 'very special circumstances' which would allow the proposed development on Green Belt.
- Accessibility to the site from the footpath and alternatives available.

The decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report with amendment to condition 21 (opening hours) as set out below and provided that the receipt of the outstanding consultations from Yorkshire Water, the Environment Agency and Sport England indicate that there are no objections and no new material planning issues to be considered.

Voting Record

A vote was taken and the motion was declared carried with 5 for and 1 against.

Amended Conditions and Consultations

Condition 21: To specify opening hours of 8am to 10pm.

Re-consultation: Sport England raised an objection to the latest iteration of the amended plans following the publication of the report.

Sport England stated that it would review this position if the applicant:

- Omitted the proposed footpath.
- Amended the location of the proposed footpath so that was directly against the boundary of the playing field and submitted a plan to show how the proposed footpath will not impact on the ability for the playing field to be marked out with a range of pitches.

Note: Councillor Crane, having declared a non-pecuniary interest, remained in the meeting and took part in the discussion and voting on the above application.

25 Any other items

There were no urgent items of business.

26 Date of Next Meeting

Wednesday 9 August 2023 – Civic Centre, Selby

The meeting concluded at 3.03 pm.

North Yorkshire Council

Community Development Services

Selby Ainsty Area Constituency Committee

13th September 2023

2020/0536/FUL - EXTENSION TO EXISTING GREENHOUSE TO FORM A CLADDED BUILDING FOR THE GROWING OF PLANTS, FOLLOWING REMOVAL OF EXISTING POLY TUNNEL AT FIELDS GARDEN CENTRE, SHERBURN IN ELMET.

Report of the Assistant Director - Planning – Community Development Services

1.0 Purpose of the Report

1.1 To determine a full planning application for the erection of a cladded building for growing plants, being an extension to the existing greenhouse at Fields Garden Centre, Sherburn In Elmet. The proposal also involves the removal of an existing poly tunnel.

1.2 This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues and has been previously considered by planning committee, such that it is in the public interest for the application to be considered by Committee.

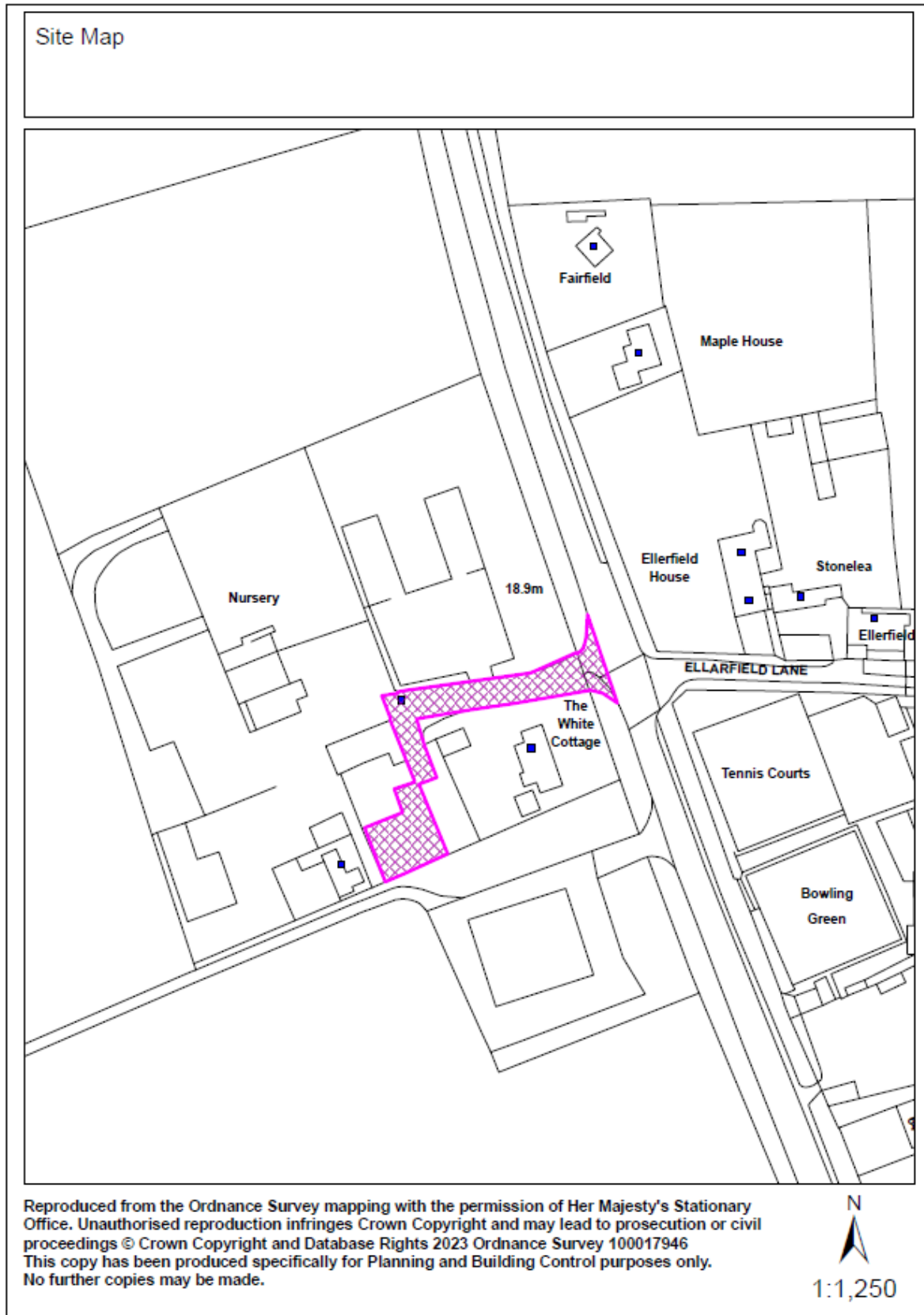
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be minded to grant subject to conditions listed below in Section 12 and provided no new material planning issues arise following the readvertisement of the corrected red line amended plan.

- 2.1. This is an application for full planning permission for the erection of a building for the growing and storage of plants at Fields Garden Centre. The building will act like a modern, thermally insulated greenhouse, which uses LED lighting instead of natural lighting to grow the plants. The building is an extension to an existing conventional part glazed greenhouse and measures 271 sq m. The existing poly tunnel is to be demolished to make way for the proposed building.
- 2.2. The initial application under this reference was for a much larger covered area at the front of the shop to provide a canopy for plants stored outside, however this has since been amended to the greenhouse extension, with the red line reduced in size and a full re-consultation and readvertisement undertaken. The application is currently being advertised based on the reduction to the red line and this is due to expire 26.9.23.
- 2.3. The proposed extension is similar to that permitted by 2017/0506/FUL, except this new proposed structure is slightly higher and externally clad.
- 2.4. The application site lies to the north of the main settlement of Sherburn In Elmet and within land designated as Green Belt. The garden centre is now a popular leisure facility following an upgrade to its facilities in 2017. The site has previously been to the Selby District Council Planning Committee under applications 2019/0663/FUL for extensions to the tea rooms which increased covers from 44 to 66. A further section 73 application, to extend the opening hours of the café until 9pm on a Thursday,

Friday and Saturday was refused by planning committee in 2020 and then later allowed at appeal.

- 2.5. To the north are agricultural fields, to the south is a commercial premise (landscape contractor) and opposite the site access are a group of 5 residential dwellings on Ellerfield Lane and a tennis club.
- 2.6. The application site is located within the Green Belt and paragraph 149 of the NPPF states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include: a) buildings for agriculture and forestry.
- 2.7. The revised proposal is for an extension to the existing greenhouse. Its appearance is more modern however it is deemed appropriate development in the Green Belt providing it is used for horticultural purposes. Horticulture falls within the definition of agriculture as defined by Section 336 (1) of the Town and Country Planning Act 1990. A condition is included in the recommendation that controls the use of the building.
- 2.8. The proposed building will sit comfortably with the existing group of buildings and is of a design and scale that will not cause harm to the character and form of the locality or wider special area of landscape value.
- 2.9. The application revised 4 objections, however these related to the initial plans. No additional letters have been forthcoming following the amended plans. The development is unlikely to significantly increase visitor numbers and in terms of scale and massing, the proposed structure will cause no harm to nearby residential amenity.
- 2.10. Parking, access and serving levels are regarded as satisfactory, as are the proposed soakaway proposals for the new surface water. The site is not at risk from flooding, is exempt development despite lying in a limestone safeguarding area. The proposal represents no ecological or contamination concerns. It is therefore recommended that planning permission be granted.
- 2.11. The amended application site is now less than 1 hectare with the floor space being 271 sqm and the proposal is regarded as appropriate development in the Green Belt. The application is therefore not required to be referred to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2021.



3.0 **Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [2020/0536/FULM | Extension to existing greenhouse to form a cladded building for the growing of plants, following removal of existing poly tunnel | Fields Garden Centre Tadcaster Road Sherburn In Elmet Leeds North Yorkshire LS25 6EJ \(selby.gov.uk\)](https://www.selby.gov.uk/2020/0536/FULM | Extension to existing greenhouse to form a cladded building for the growing of plants, following removal of existing poly tunnel | Fields Garden Centre Tadcaster Road Sherburn In Elmet Leeds North Yorkshire LS25 6EJ (selby.gov.uk))
- 3.2. The application was submitted in 2020 and was originally described as:
- “Erection of canopies between the shop and the tea room to form a covered display area; application of cladding to the greenhouse to the south of the shop and change of use of café to that of a mixed use comprising shop and café to allow the use of part of the floor area for retail of goods in a farm shop.”*
- 3.3. Concerns were raised over the appropriateness of the extension (777 sqm) in the Green Belt. The application was put on hold by the applicant through Covid restrictions and the applicants were given the opportunity to justify the extension in the Green Belt, which was never forthcoming. This led to a considerable delay in determining the application.
- 3.4. In February 2023, the applicants advised that due to economic uncertainty, they were considering a reduced scheme in line with a permission that was previously permitted.
- 3.5. Then in June 2023 the plans were amended to consider a greenhouse extension to the south of the shop. The plans were then further amended at officers' requests to show the demolition of the unauthorised poly tunnel that was constructed between 2018-2019. The amended plans also showed the building as being cladded as opposed to a conventional 'glazed' greenhouse. Re-consultation occurred on this basis.
- 3.6. The proposed extension is similar to that permitted by 2017/0506/FUL, except this new proposed structure is slightly higher and clad.
- 3.7. The following relevant planning history has been identified for the application site:
- CO/1981/25551- Erection of Implement Store, White Cottage Nurseries, Approved 13-MAY-81.
 - 2017/1222/FUL - Proposed widening of part of existing internal access road, Fields Garden Centre- Approved 18-DEC-17.
 - 2017/0506/FUL - Erection of extensions to existing glass houses, change of use of one retail building to tea room ancillary to the garden centre use, formation of a car park and erection of covered plant canopy, Approved: 22-SEP-17. (Delegated).
 - 2017/1187/DOC - Discharge of condition 05 (landscaping and planting) of approval 2017/0506/FUL) - Approved 11-DEC-17
 - 2019/0663/FUL - Conversion of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of childrens play area. Approved 16.4.2020.

- 2020/0549/S73 - Section 73 application to vary condition 02 (opening hours) of approval 2019/0663/FUL - Conversion of former glass house including recladding to provide extension to tea room extending covers to 66 in total, retention of terrace and its use as outdoor seating area/plant sales area, extension to existing car park to provide overflow and formation of children's play area granted on 16 April 2020. Refused 26.11.2020. Allowed at appeal October 21.

3.8 The application site is over 1 hectare within the Green Belt however the proposal is regarded as appropriate development in the Green Belt and therefore is not required to be referred to the Secretary of State under the Town & Country Planning (Consultation) (England) Direction 2021.

4.0 Site and Surroundings

4.1. The application site lies to the north of the main settlement of Sherburn In Elmet and to the west of the main Tadcaster Road/Finkle Hill. The site is known as Fields Garden Centre and had some reinvestment in 2017, following planning permission reference 2017/0506/FUL. The garden centre relies on plant sales, gardening related products and the cafe/tearoom known as Fields Kitchen. The tearoom was extended into a former glass house via a retrospective permission 2019/0663/FUL, which increased the number of covers from 44 to 66. A further section 73 application, to extend the opening hours of the café until 9pm on a Thursday, Friday and Saturday was refused in 2020 and then later allowed at appeal.

4.2. To the north are agricultural fields, to the south is a commercial premise (landscape contractor) and opposite the site access are a group of 5 residential dwellings on Ellerfield Lane and a tennis club. Further to the south of the site is the main residential part of the Sherburn settlement.

4.3. The wider garden centre consists of a series of single storey buildings, glass houses, poly tunnel, extended 66 cover tea room/café with terrace, outside children's play area, shop, storage buildings, outside storage of plants with car parking to the site frontage. The buildings predominantly sit towards the southern and western part of the site, with the nursery grounds extending to the north. The entrance to the site is wide and the frontage is landscaped.

4.4. A dwelling known as 'The White Cottage' sits on the southern side of the entrance and occupies a roadside position. This dwelling was originally part of the nursery and is still owned by the applicant.

5.0 Description of Proposal

5.1. This application seeks full permission for an extension to the current greenhouse. The building is unlike a conventional greenhouse, in that it is externally clad with insulated panels to improve thermal energy efficiency. The plants are to be grown on the basis of a LED lighting scheme as opposed to relying on natural sunlight. The building is L-shaped being 12.7m on the narrowest western elevation, 18.1m in length on the southern elevation and 19.3 on the widest eastern elevation where it connects to the existing structure. The total floorspace equates to 271 sqm. The building has a ridge height of 3.3m and eaves of 2.5m and is finished in a sage green colour to match the cladding on the existing buildings.

5.2. The submission plans consist of:

Existing Block Plan and Location	D-101 G
Existing floor plan	D-201C
	Page 11

Existing Elevations	D-401 C
Proposed Block Plan	D-102 D
Proposed Floor Plan	D-202 G
Proposed Elevations	D-402 G

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

- Selby District Core Strategy Local Plan (adopted 22nd October 2013)
- Those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
- Minerals and Waste Joint Plan (adopted 16 February 2022)

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:

- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Sherburn in Elmet Town Council** - No objections raised by the Town Council with the initial application. Requested more information as the application is in Green Belt and there is insufficient information with regard to scale and size of development. Officers have responded to the Town Council and provided further information on the intentions of the application. Any revised comments from the Town Council will be included in the officer update notes.
- 7.3. **NYC Highways** - Further to the amended plans and consideration of the previously approved greenhouse extensions associated with planning application no. 2017/0506/FUL, it is noted that the sales areas and cafe will not increase in size from those previously approved. The level of car parking provided was considered acceptable at the time of determining the previous applications, therefore no Highway Authority objections are raised to the proposed application subject to the greenhouses being restricted to the sale of plants.
- 7.4. **Environmental Health** - No objections.
- 7.5. **Contaminated Land Consultant** – No objections.
- 7.6. **Ecology** - There are no significant ecological constraints relating to the proposed development works. As an informative the applicant should be mindful of the protection afforded to all nesting birds under the Wildlife and Countryside Act 1981 (as amended) in carrying out the proposed works.
- 7.7. **Natural England** - No comments to make on this application.
- 7.8. **Yorkshire Water** – No response received.
- 7.9. **Selby Area Internal Drainage Board** – No response received.
- 7.10. **SuDS** – No response received.
- 7.11. **Yorkshire Wildlife Trust** – No response received.
- 7.12. **North Yorkshire Bat Group** – No response received.
- 7.13. **Public Rights of Way Officer** – No response received.
- 7.14. **The Environment Agency (Liaison Officer)** – No response received.
- 7.15. **Waste and Recycling Officer** – No response received.

Local Representations

- 7.16 The application was originally advertised in the press (16.7.20), via site notice (24.7.20) and via direct neighbour letters to reflect the original description i.e.

Erection of canopies between the shop and the tea room to form a covered display area; application of cladding to the greenhouse to the south of the shop and change of use of café to that of a mixed use comprising shop and café to allow the use of part of the floor area for retail of goods in a farm shop

- 7.17 The application was readvertised on site 4.7.23 and 10.8.23 to publicise the amended plans and the change in description of the application.
- 7.18 The application was readvertised on the 5.9.23 to reflect the change to the red line application site. This expires on 26.9.23.
- 7.19 4 local representations have been received of which 4 are in objection and 0 in support. The objections all stem from the 2020 submission and relate to the application as it was originally described i.e. new canopies. A summary of the comments is provided below, however, please see website for full comments.
- The property is within the Green Belt & therefore is inappropriate development & should not be permitted unless very special circumstances exist. No such circumstances exist. Previous exceptions and special circumstances have already been adopted by re-using buildings on the site to justify the existing facility and the same principles and reasoning on previous applications cannot therefore be reused for this application.
 - Size and scale – the new covered plant area is 8,515 sq ft. Objectors suspect a further application would follow to increase the sales area to add sides to the covered area, which would create one mass of buildings which would be very different to the original layout and form of the buildings. The whole site is expanding at such an alarming rate.
 - The new canopies are significantly taller than the existing building which makes this inappropriate and out of scale with the existing buildings.
 - A1 use isn't appropriate, the use should be restricted to horticulture only.
 - Proposing a farm shop this would detract trade from the few remaining established independent traders in the village who already find it difficult to compete with the two supermarkets and convenience shops. It would be sad if these shops, under further competition, were to close and leave our high street depleted.
 - It is unclear what is to be sold in the cladded greenhouses.
 - The site is very open and visible. The applicants have extended the greenhouses so cannot keep erecting and adapting greenhouses for more permanent structures under the disguise of horticulture. The cladding of the greenhouses will create an additional retail space. The cladding will further deplete the openness of the Green Belt.
 - The premises have evolved from a Day nursery i.e. the growing and storing of plants into a garden centre selling manufactured items. This requires a change of use and isn't immune as is within the 10 years.
 - Any letters of support shouldn't influence the decision.
 - If approved the garden centre would be competing against several retail businesses the village has (all food and gift shops, butchers, bakery, tea room under the disguise of a 'Farm Shop'.

- Further diversification from the existing tea room, shop and plant sales should not be necessary to ensure a good and stable income for Fields Garden Centre.
- Increasing the size of the garden centre will lead to extra traffic to the centre, noise and general disruption to the residents opposite the site. Residents have enjoyed the peace & quiet of this part of the village for many years & the scale of the proposed sales/cafe area & car park is not what should be allowed in a Green Belt area.
- The area is Green Belt, the cladding and size and scale of the canopies appear out of character with the existing centre. The shopping area will increase by 8,000 sq ft this is contrary to the area and is outside development limits.
- Possible danger of more traffic turning into this property with further extensions to the car park & increase of covers in the cafe & people shopping at a farm shop. The speed limit from the top of the hill to the bypass is 60 miles an hour & the increase in the population of Sherburn in Elmet has meant a massive increase in traffic on Tadcaster Road doing speeds of 60mph, the entrance to the garden centre & to Ellerfield Lane opposite is at the bottom of the hill, cars going to the roundabout do not slowdown our lives are in danger from speeding vehicles every time we come from the village.

7.20 No further letters were received as a result of the publicity on the amended plans and change to the description of the application on the 4.7.23 and 10.8.23. Any new comments received to the advertisement due to the red line reducing will be reported to members via the officer update note.

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Green Belt considerations
- Impact on the Character and Form of the Locality
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Climate change
- Other matters

10.0 ASSESSMENT

Principle of Development

10.1 The site is located outside of development limits and within the Green Belt. Policy SP1 of the SDCSLP seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social and environmental conditions in the area.

- 10.2 Policy SP2 of the SDCSLP seeks to guide development in this regard by adopting a hierarchical spatial development strategy, which directs most development to towns and more sustainable villages. Paragraph 84 of the NPPF states that decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; c) sustainable rural tourism and leisure developments which respect the character of the countryside. In terms of spatial policy, the proposal is considered to be the growth and expansion of a business in the rural area. SP2A(d) states that development in the Green Belt must conform Policy SP3 and national Green Belt policies.
- 10.3 Core Strategy Policy SP3.B states in accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.
- 10.4 The proposal is considered to accord to the Council's Spatial Development Strategy in terms of land use principle. As the site lies within Green Belt, in accordance with Policy SP2, the more restrictive policies in the NPPF need to be applied. Only if the proposed development accords with Green Belt policy, will the presumption in favour of development in Paragraph 11 be engaged.

Green Belt Considerations

- 10.5 The application site is located within the Green Belt as such, national guidance contained within the NPPF section 137 is of relevance. The NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 10.6 Paragraph 138 states the five purposes of the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.7 Paragraphs 147 - 150 and Policies SP2 (d) and SP3 of the Core Strategy are relevant for the decision making process. When considering proposals for development in the Green Belt it is necessary to consider whether the development is appropriate or inappropriate development.
- 10.8 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF regards the construction of new buildings as inappropriate development in the Green Belt. Exceptions are listed in paragraph 149 and paragraph 150 lists certain other forms of development which is not inappropriate provided they preserve its openness and do not conflict with the purposes of including land within it.

- 10.9 If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 10.10 Paragraph 149 of the NPPF states Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this include as relevant to this application:

a) buildings for agriculture and forestry;

- 10.11 The revised proposal is for an extension to the existing greenhouse. Greenhouses are typically single glazing, with a steel framed structure and used to propagate or control the growth of plants that need certain climate conditions. This building is a more modern building that is insulated and externally clad to make it more energy efficient. The applicant has confirmed that it will still operate as a greenhouse, despite not looking like a conventional glazed structure. The applicant supplied the following:

Attached is a summary of the work at Stockbridge Technology Centre on LED lighting for crop production.

The LED/shelving systems used will enable us to import newly propagated pot plants from Holland (they are not available in the UK) and develop them into saleable plants much more quickly, efficiently and with less impact on the environment.

The shelving system coupled with the LED technology will at least treble the capacity of the building therefore making it 3x more efficient.

Such efficient production is not possible in a traditional glass greenhouse. The only commercial horticultural businesses that are building glass greenhouses are those that have a cheap source of heat available such as waste heat facilities from factories, breweries or power stations otherwise crop production is not economically viable.

In addition to the benefits associated with the LED/shelving system the heat saving resulting from using an insulated building is very, very significant. The R-value of glass is approximately 1 compared with 50mm polyurethane panels having a R-value of approximately 10 to 12. In other words a glass-clad greenhouse will use ten times as much energy as a structure clad with insulated panels.

With the price of energy as high as it is then the economic benefits are clear. The benefits in terms of global warming are equally clear. To summarise the structure that we are proposing will cut energy use by a factor of 10 but coupled with the triple shelving system the factor becomes 30. One unit of energy will produce thirty pot plants instead of one.

- 10.12 Therefore the building is regarded as appropriate development in the Green Belt by virtue of paragraph 149 (a) being a building connected to the horticultural industry. Horticulture falls within the definition of agriculture as defined by Section 336 (1) of the Town and Country Planning Act 1990. This is providing the building is used for the propagation and housing of plants as opposed to an inside extended storage/sales area connected with the shop, which partially occurs in the current greenhouse. A condition can be included in the recommendation that controls the use of the building.

- 10.13 Whilst being considered not inappropriate development in the Green Belt by virtue of para 149 a), it is also useful to consider the remaining criteria in paragraph 149, which deals with new buildings for non-agricultural uses. The extension could also be regarded as 'd) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. This is because the building replaces an unauthorised poly tunnel that was erected sometime between June 2018 and June 2019 according to google earth aerial images. The poly tunnel on account of its extent, size, permeance, moveability and degree of attachment to the ground is regarded as development. Given it was in existence in June 2019 the poly tunnel has been erected for more than 4 years and is therefore immune from enforcement action and of a similar scale to the building proposed.
- 10.14 It is also worth reiterating that in 2017 permission was granted for a greenhouse extension in the same location that had for the exact same floorspace as this current submission, and it too was regarded as appropriate development in the Green Belt. Whilst this was never built, other elements of the 2017 consent were implemented meaning the building is extant. The only changes are that the height of the proposed greenhouse has marginally increased, and the building is clad. The greenhouse approval in 2017 still does have a reasonable prospect of being constructed and therefore represents a fall-back position which is a material consideration which weighs in favour of the application. Given the similarities, a more suitable option may have been to apply for a section 73 to amend the plans of the previously permitted greenhouse extension. Other elements of the 2017 permission also remain extant i.e. the 11.8m x 18.15m covered area linking the shop to the tea room. Whilst this new building is relatively substantial it does replicate what has already been previously approved.
- 10.15 In addition policy EMP13 of the Selby District Local Plan supports agricultural development in principle and states "Agricultural development will be permitted provided the proposal is necessary for agricultural purposes; is well related to existing farm buildings or situated on a site which minimises its visual impact; would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; is of a scale and design appropriate to its setting; is adequately screened and landscaped; and would not harm acknowledged nature conservation interests or a historic park or garden".
- 10.16 Having regard to the above, it is considered that the principle of the development is acceptable. The following sections of this report will go on to consider the impacts of the development.

Impact on the Character and Form of Locality and Openness of the Green Belt

- 10.17 Paragraph 148 of the NPPF states "When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Harms include any other harm relevant for planning purposes, such as harm to landscape character, adverse visual impact, noise disturbance or adverse traffic impact. Below is an assessment of the visual impact and landscape character, as residential and traffic impacts are assessed later within the report.
- 10.18 Also Policy ENV 1 of the Local Plan states proposals for development will be permitted provided a good quality of development would be achieved. The policy indicates several criteria of relevance which includes, taking account of the character of the area, the amenity of adjoining occupiers, layout design, materials and landscaping.

- 10.19 The main nucleus of buildings are set back from the roadside and some landscaping exists on the frontage, however this has been reduced in recent years and the widened access means the site is more open than it once was. The buildings when viewed from the road are a cluster of single storey structures, with car parking in the foreground.
- 10.20 The proposed building is a significant addition, being 271 sqm. It does however extend the buildings to the southern boundary and infills the gap that would be vacated by the current large poly tunnel. The new extension proposes a slightly higher eaves and ridge height to the existing greenhouse adjacent, but similar to that of the poly tunnel. The existing adjacent greenhouse measures 3m to the ridge and the proposed is 3.3m.
- 10.21 The extension will increase the massing on the site, however the design and scale is similar to other buildings across the site and therefore it will cause limited impact to the open character of the Green Belt. The pitched roof design replicates that of the existing structures and the cladding will match that used on the frontage of the adjoining greenhouse. The buildings are set back from the road with some frontage screening and will be viewed against the backdrop of other buildings.
- 10.22 The site also sits within a Locally Important Landscaped Area. The proposal will not further encroach into this landscape beyond the confines of the existing site, however, will increase the scale and massing of built development in this location.
- 10.23 The proposal would therefore be a reasonably sized structure located on the southern boundary of the site and screened by existing buildings. The design and scale of the building is comparable with other buildings that surround it meaning the proposals will not cause harm to the character and form of the locality. The proposal is therefore in accordance with Policies ENV1 of the Local Plan and advice with Section 13 of the NPPF.

Residential Amenity

- 10.24 One of the Core Principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved. Policy ENV1 1) of the Local Plan requires proposals not to have a significant adverse effect on residential amenity. EMP 13 also seeks to ensure new agricultural buildings does not create conditions prejudicial to local amenity.
- 10.25 The site is situated within its own established site boundaries with a dwellinghouse situated in the southeast corner, which is owned by the applicant. The mainstay of the concern in the representations was from the residents opposite the site concerning the original plans due to the increased activity the proposals would bring. The revised greenhouse extension is now unlikely to significantly increase the attractiveness of the site, as it will be used for plant propagation, plant storage and plant sales. Also due to its limited scale its unlikely to significantly increase customer numbers compared with the covered area as previously presented. The wider use of the site is controlled by planning conditions in terms of opening hours and this proposal does not seek to alter these.
- 10.26 In terms of scale and massing, the proposed structure is well away from residential properties that are not controlled by the applicant; therefore officers consider no direct harm arises.
- 10.27 Therefore the proposal would not harm residential amenity and would accord with Policies ENV1 and EMP 13 of Selby District Local Plan and Policies SP13 of Selby

Core Strategy. Further, the proposal would contravene the rights guaranteed by the Human Rights Act 1988, in terms of Article 8 'Right to respect for private and family life.

Highways

- 10.28 Core Strategy Policy SP19 requires the proposal to be accessible to all users and easy to get to and move through; and create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts. Local Plan Policy ENV1 requires account is taken on the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking.
- 10.29 Local Plan Policy T1 states "Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer". NPPF paragraph 104 requires transport issues be considered from the earliest of development proposals so that impacts of development on transport networks can be addressed.
- 10.30 The application site has an established access taken off Finkle Hill and there is adequate space within the site to accommodate deliveries. The proposals under 2019/0663/FUL included a car park extension making the total amount of car parking to 60 spaces. The access and parking arrangements remain unaffected by this proposal.
- 10.31 NYC Highways initially raised concern that the proposal contained limited information on whether or not the proposed development will have an impact on the highway. These comments were based on the original canopy extension and the highway officer wanted to ensure the 'increase in retail area' had enough car parking. This concern was removed once the amended plans were received for the greenhouse type structure. The highway officer took account of the previously permitted extension and noted that the sales areas and cafe will not increase in size from those previously approved. The existing level of car parking provided was considered acceptable at the time of determining the previous applications, therefore no Highway Authority objections were raised providing the building was restricted to plant growing and sales only.
- 10.32 As such, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), EMP 13 T1 and T2 of the Local Plan and the advice contained within the NPPF.

Flood Risk and Drainage

- 10.33 The application site lies within Flood Zone 1 as noted in the Environment Agency's flood mapping with a low risk of flooding. There is no requirement for a sequential or exception test to be undertaken as a result and the proposal is considered to not contribute to flooding elsewhere.
- 10.34 The proposed building represents no new foul drainage issues, however will significantly increase the non-permeable area and will therefore need to be suitably drained. The submission was accompanied by a foul drainage assessment form and percolation test report which found the infiltration rates of the ground were high enough and do satisfy BRE 365 requirements. Therefore, infiltration methods of drainage will be viable for this site. The application form indicates that soakaways will be created to dispose of this surface water and no responses were received from the

IDB in respect of this. This suitability of the soakaway is proven and its capacity and scale and construction will also be controlled by Building Regulations to ensure its created in a satisfactory manner. Therefore, no further drainage detail is required. As such it is considered that the proposal would be acceptable with respect to Policies SP15 and SP19 of the Core Strategy and the NPPF.

Climate Change

- 10.35 The NPPF in paragraph 152 states that “the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 10.36 The Selby District Core Strategy Policy SP15 ‘Sustainable Development and Climate Change’ in section B states that in order to ensure development contributes towards reducing carbon emissions and are resilient to the effects of climate change, schemes should where necessary, improve energy efficiency, minimise energy consumption through layout and design, use sustainable construction techniques incorporate water efficient design and sustainable drainage systems.
- 10.37 This scheme is for the growing of plants therefore some energy consumption will be necessary to heat and illuminate the building. However, the use of the insulated external cladding will make the building more thermally efficient, using less energy to heat the building and relies on new technologies in particular LED lighting system. This moves away from the historical and less efficient single glazed greenhouses fore growing purposes. The building therefore makes a small contribution to climate change, however, is efficient in other respects in accordance with SP15 and chapter 14 of the NPPF.

Other matters

- 10.38 The site is within a limestone safeguarding area designated by policy S01 of the Minerals and Waste Joint Plan. Paragraph 8.55 of the plan does give a list of exempt development types that do not require consideration under relevant safeguarding policies in the plan. This includes ‘amendments to current permissions (with no additional land take).’
- 10.39 The same scale of development was permitted in 2017 and is extant, therefore can be regarded as an amendment to a current permission with no additional land take involved. The building can therefore regard as exempt from consideration by policy S02.
- 10.40 The site is identified on the Coal Authority interactive map as lying within a low-risk area for which the standing advice is to impose an informative to draw this risk to the developer’s attention.
- 10.41 In terms of ecology, the poly tunnel set for removal is not considered appropriate to house any protected species, and the extension raises no ecological concerns given the site is already developed and hard surfaced.
- 10.42 Given the nature of the use no contamination concerns exist.

- 10.43 Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.44 The development of the site for commercial purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics. The building will be accessibly designed if it is intended that members of the public use the building.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development is not considered as inappropriate development in Green Belt by virtue of the exception within paragraph 149 of the NPPF, which allows for buildings for agriculture. The extension is also at an established garden centre and due to its position behind and alongside existing buildings and screening will cause no significant impact on the character and appearance of the countryside or openness of the Green Belt.
- 11.2 The increase of the greenhouse floorspace can be conditioned to ensure it is only used for the display and growing of plants. The proposals are deemed to be acceptable in respect of the impact on the living conditions on neighbouring occupiers, as whilst the proposals may marginally increase the attractiveness of the site due to increased plant sales, this is not considered to cause a significant increase in visitor numbers through the day that would be easily distinguishable over current day time trading levels.
- 11.3 The proposals are also satisfactory in respect of drainage, minerals, ecology, contamination and the impact on the highway network.
- 11.4 Therefore the proposals are acceptable in respect policies Core Strategy Policy SP3, Policies ENV1, EMP 13 and T1 of the Local Plan and advice with Section 13 of the NPPF.

12.0 RECOMMENDATION

- 12.1 That planning permission be minded to grant subject to the expiration of the outstanding readvertisement period with no further material planning considerations being raised. In the event that no new material planning considerations are raised, authority is delegated to the Planning Development Manager to grant this application subject to the imposition of the attached schedule of conditions.
1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Existing Block Plan and Location	D-101 G
Existing floor plan	D-201C
Existing Elevations	D-401 C
Proposed Block Plan	D-102 D
Proposed Floor Plan	D-202 G
Proposed Elevations	D-402 G

Reason:

For the Avoidance of Doubt.

- The materials used in the construction of the external walls and roof of the building hereby approved shall be green external insulated cladding to match the finish in the adjoining greenhouse.

Reason:

To ensure the building remains as a greenhouse and to limit the impact on the area in accordance with Local Plan Policy ENV 1.

- The building hereby approved shall only be used for the display, storage and propagation of plants, shrubs, trees, seeds and flowers only. No additional goods, equipment or services shall be sold, exhibited or promoted within the extended part of the building to which this permission relates.

Reason:

To ensure the building is used for its intended purpose and in accordance with Paragraph 149 of the NPPF in terms of it being assessed as an agricultural building.

- The building hereby permitted shall only be open for customers between the following hours:
0800 - 1800 Mondays to Wednesdays
0800 – 2100 Thursdays to Saturdays
0900 - 1700 Sundays, Bank Holidays and Public Holidays

Reason:

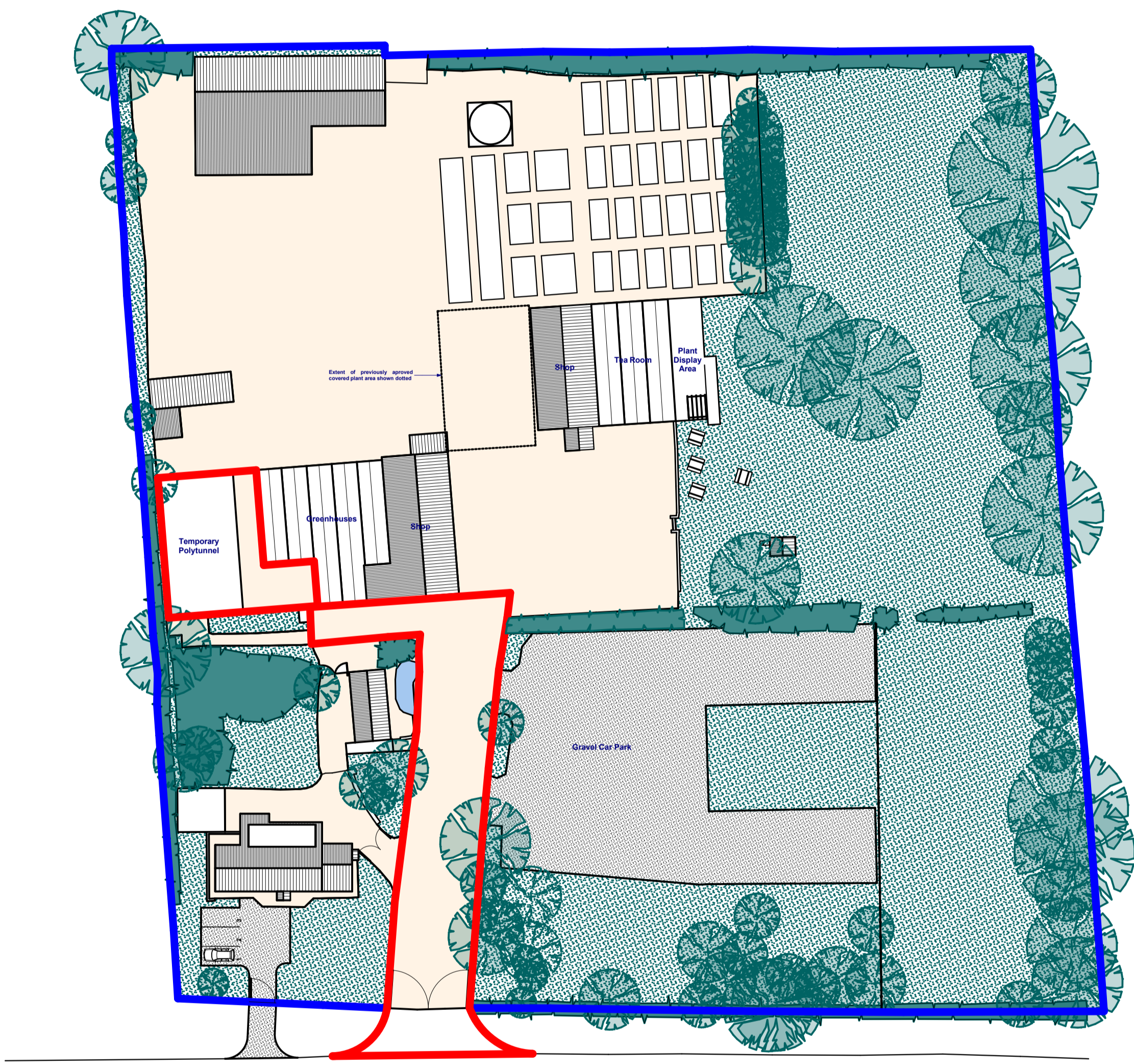
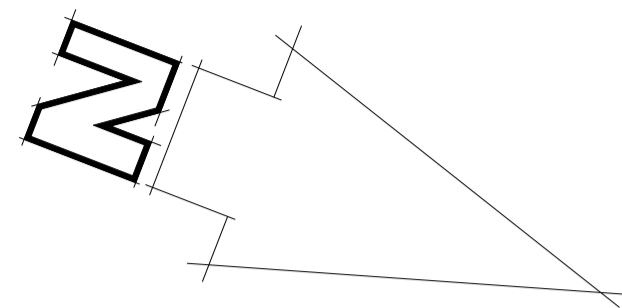
To ensure the opening hours accord with the remainder of the site in the interest of preserving living condition of adjacent occupiers.

Target Determination Date: 20.09.2023

Case Officer: Gareth Stent, Garethstent@northyorks.gov.uk

Appendix A – Proposed Layout Plan

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Block Plan as Existing 1:500



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Scale: 1:1250, paper size: A4



Site Location 1:1250

D-101G

SCALE AS SHOWN

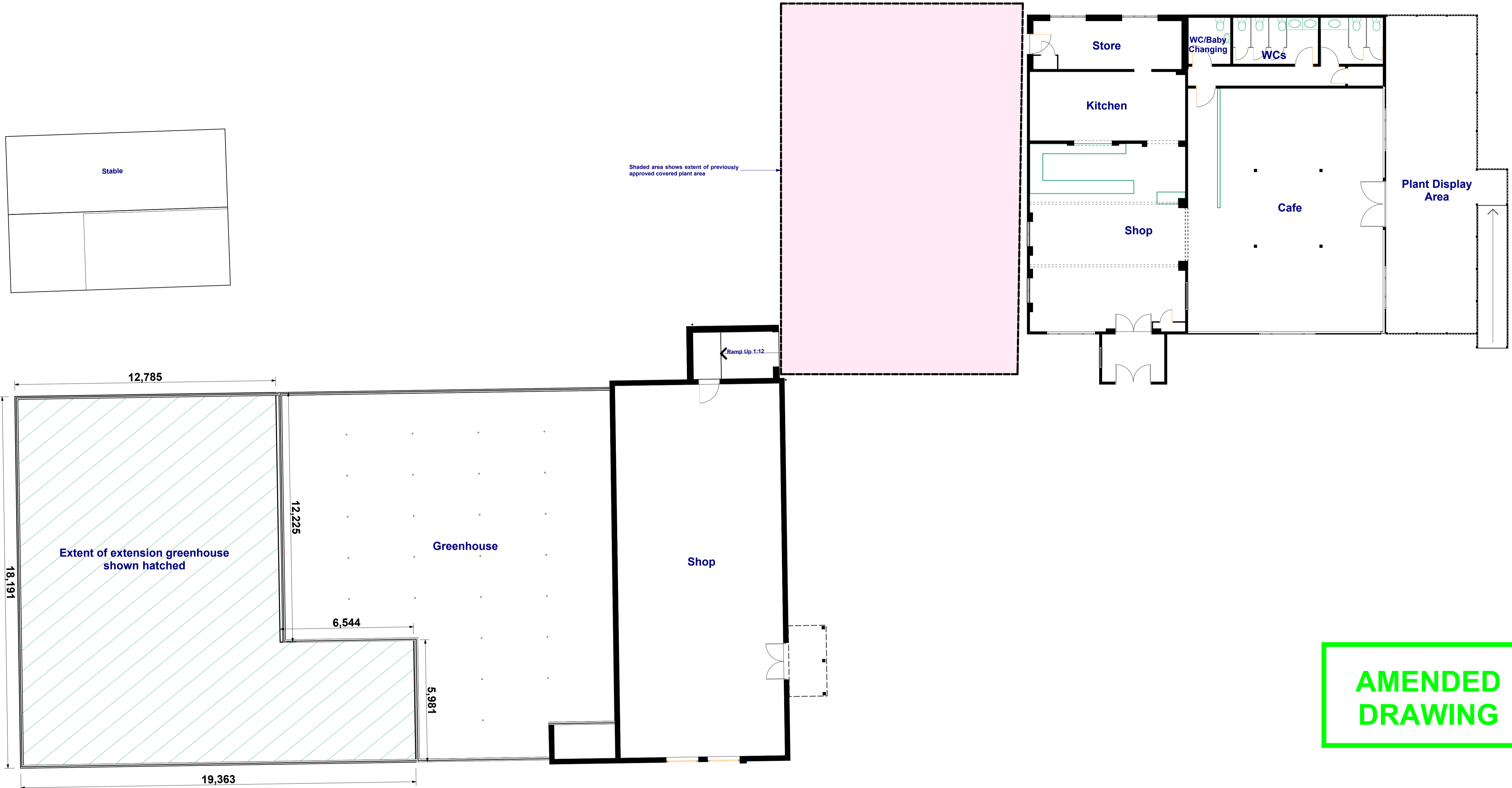
01-20

- Preliminary Issue 07-05-20
- Preliminary Issue 08-05-20
- Preliminary Issue 22-06-20
- Preliminary Issue 24-03-23
- Preliminary Issue 18-07-23
- Preliminary Issue 18-07-23
- Preliminary Issue 04-09-23
- Preliminary Issue 05-09-23

Block Plan As Existing - Site Location

Fields Garden Centre, Finkle Hill, Sherburn In Elmet

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**AMENDED
DRAWING**

Ground Floor Plan (As Proposed) 1:100

- Preliminary Issue 05-05-20
- Preliminary Issue 08-05-20
- Preliminary Issue 13-05-20
- Preliminary Issue 22-06-20
- Preliminary Issue 06-01-21
- Preliminary Issue 10-01-21
- Preliminary Issue 25-01-21
- Preliminary Issue 24-03-23

D-202G

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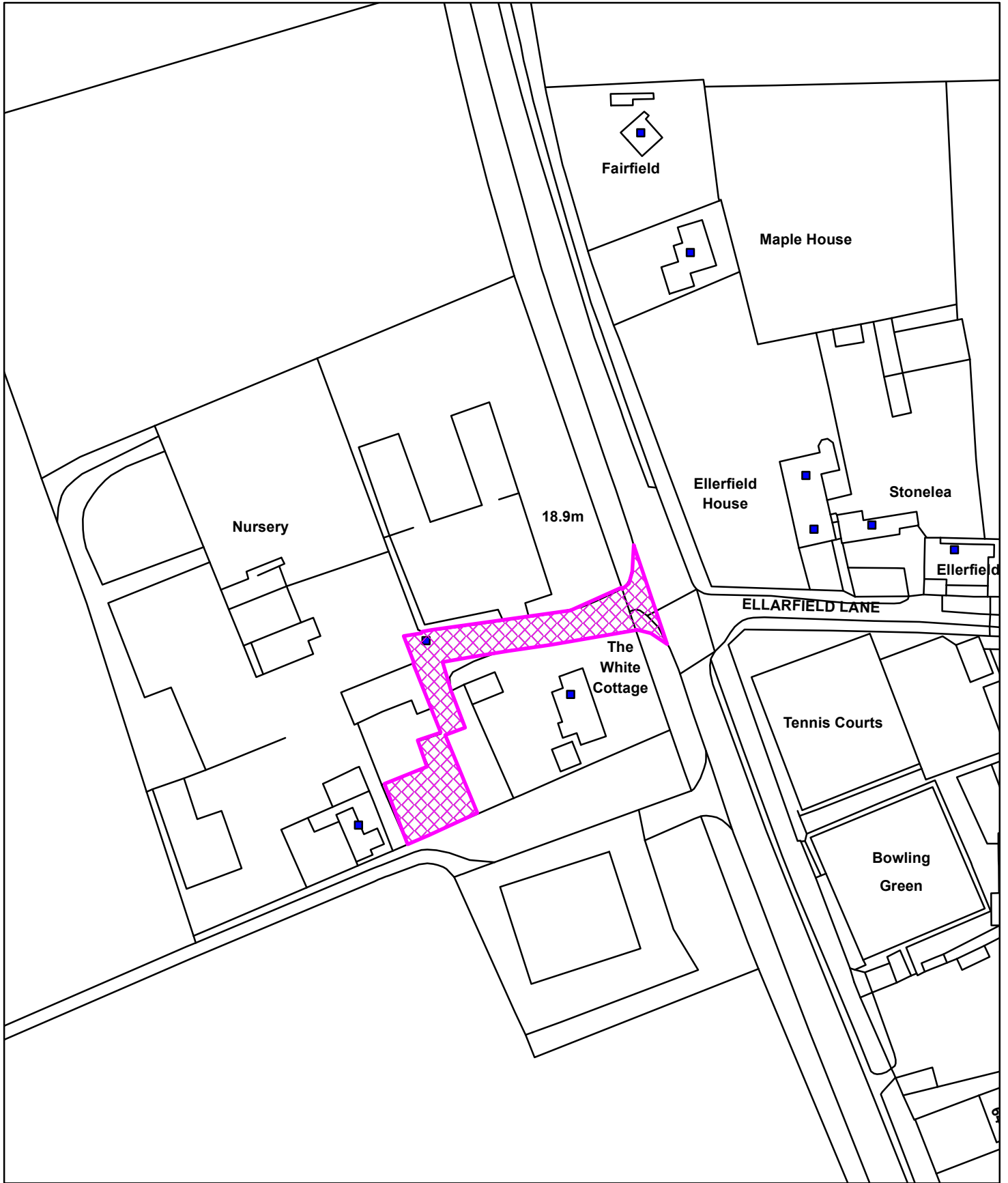
01-20

Floor Plan As Proposed

Fields Garden Centre, Finkle Hill, Sherburn In Elmet

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Site Map



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